



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

May 9, 2016

**By ECF**

Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Street  
New York, New York 10007

Re: United States v. Deleon et al., S7 13 Cr. 811 (ALC)

Dear Judge Carter:

Pursuant to the Court's direction, the parties jointly write to advise the Court of measures taken to ensure the incarcerated defendants' access to discovery materials. To ensure such access, the following parties have conferred: Adam Johnson, Senior Staff Attorney for the Metropolitan Correction Center, New York ("MCC"), Emma Greenwood, the Coordinating Discovery Attorney ("CDA") for defendants appointed by this Court, and the undersigned Assistant United States Attorneys. Ms. Greenwood has in turn conferred with the attorneys for each of the individual defense attorneys, who have reviewed this letter and the plan it sets forth. The parties believe the following plan will ensure each of the incarcerated defendants has adequate access to his discovery materials:

- The defendants will be consolidated at MCC, so that MCC can deal with all discovery concerns in a centralized manner.
- As is usually the case, copies of the global discovery will be made to the defendants on a set of hard drives available in the MCC's law library.<sup>1</sup> In addition to the initial set of hard drives available for review in the law library, a further three sets (nine drives) will be placed at MCC for defendants' review, allowing for multiple defendants to review the global discovery simultaneously.
- The MCC will make available a set of global discovery hard drives to defense attorneys during attorney-client visits. To arrange access to those drives, defense attorneys are instructed to contact the facility's legal department at least 24 hours in advance. Combined with the additional sets of the discovery in the law library, this process ensures that when defense attorneys visit the incarcerated defendants, they can jointly review the discovery onsite, and do so without removing a last set from the library (which could potentially limit other defendants' access).
- Schedules and locations of detention for inmates separated from the incarcerated defendants will be adjusted to ensure separations do not interfere with the defendants' regular access to the law library. The MCC and Government have already reviewed the

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<sup>1</sup> At present, the hard drives containing the discovery have been returned to the Government so that the Government can update those drives and create duplicates in accordance with this plan.

number of separations in place and reduced them to the absolute minimum consistent with inmate safety.

- The MCC will accept one set of hard drives from Ms. Greenwood that contain the global discovery materials and will be made available to defendants in the law library for review. The MCC will also accept one laptop from the U.S. Attorney's Office that is loaded with the global discovery.
- If prison records reflect that a defendant is using his currently allotted hours in the law library, the MCC will seek to increase the allotted number of hours for that defendant.

Should the Court desire any further information regarding the above plan, the parties remain prepared to provide it. The parties respectfully submit that in light of this plan, there is no need for a conference on the tentative control date of May 13, 2016, and that the next conference can occur as currently scheduled by the Court, on July 7, 2016, at 10 a.m.

Respectfully submitted,

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